

PARTIES AND JURISDICTION

1. Plaintiff, Nathan N. Andrews, is and was so at all times relevant to this Complaint a resident of Laramie County, Wyoming. Mr. Andrews' address is 4607 Carmel Drive, Cheyenne, Wyoming 82009, and his phone number is (307) 509-0016.

2. Defendant, John Onisto is, and was so at all times relevant to this Complaint a resident of Laramie County, Wyoming and was acting as a Benefit Specialist at the State of Wyoming, Department of Family Services. Mr. Onisto's address is 1510 East Pershing Boulevard, Cheyenne, Wyoming 82001, and his phone number is (307) 777-7921. Mr. Onisto is sued in his individual and official capacities.

3. Defendant, Sandra Voigt is, and was so at all times relevant to this Complaint a resident of Laramie County, Wyoming and was acting as a Benefit Specialist Supervisor at the State of Wyoming, Department of Family Services. Ms. Voigt's address is 1510 East Pershing Boulevard, Cheyenne, Wyoming 82001, and her phone number is (307) 777-7921. Ms. Voigt is sued in her individual and official capacities.

4. Defendant, State of Wyoming Department of Family Services is, and was so at all times relevant to this Complaint a governmental entity that services federally funded programs to residents of the State of Wyoming. State of Wyoming, Department of Family Services address is 1510 East Pershing Boulevard, Cheyenne, Wyoming 82001, and their phone number is (307) 777-7921. State of Wyoming, Department of Family Services is sued in their individual and official capacities.

5. Defendants, John and Jane Does 1 through 10, are employees of State of Wyoming, Department of Family Services and their identities are currently unknown to the Plaintiff. However, their identities will be discovered during the discovery process.

6. The amount in controversy exceeds the jurisdictional minimum of this Court and venue in the United States District Court for the District of Wyoming is proper because the acts or omissions that form the basis for Plaintiff's claims occurred entirely within this district.

BACKGROUND FACTS

7. On April 20, 2011 Plaintiff Andrews filed an Application for Benefits with Defendant State of Wyoming, Department of Family Services (hereinafter "DFS") requesting that Defendant DFS provide assistance to the Plaintiff and the Plaintiff's daughter (referred to as only

IEA for confidentiality reasons). The assistance requested was for medical care and supplemental nutrition assistance program (SNAP).

8. On April 22, 2011 Plaintiff Andrews received a phone call from Defendant Onisto regarding the application of benefits and Defendant Onisto advised Plaintiff that Defendant DFS and Defendant Onisto were not going to approve assistance for the Plaintiff and the Plaintiff's minor child because the minor child was receiving benefits on another person's case/account. The Plaintiff explained to Defendant Onisto that he (Plaintiff) has physical custody of the minor child and that there was an action pending in the Laramie County District Court that was anticipated to grant full and sole legal custody of the referenced minor child. Defendant Onisto still denied benefits to the Plaintiff.

9. On or about April 26, 2011 the Plaintiff contacted Defendant Voigt regarding the denial of benefits, as Defendant Voigt was the supervisor of Defendant Onisto. The Plaintiff explained the situation to Defendant Voigt and Defendant Voigt upheld the decision of Defendant Onisto.

10. On or about April 27, 2011 Plaintiff received notification from the Laramie County District Court that the Plaintiff was divorced and that he (Plaintiff) did in fact have sole custody of the minor child.

11. On or about May 04, 2011 the Plaintiff again met with Defendant Onisto and showed Onisto the documents and again requested that his (Plaintiff) application for benefits be processed. Defendant Onisto stated “those court papers don’t mean shit to me. [minor child’s name] is on another case load and I am not authorizing benefits for you.” This was a direct statement that was in violation of the Court Order from the Laramie County District Court. After a heated discussion between the Plaintiff and Defendant Onisto, the end result was that benefits and assistance was still denied to the Plaintiff and the Plaintiff left Defendant Onisto’s office.

12. Voice messages were left for Defendant Voigt and the complaint representative for Defendant DFS on May 04, 2011 and on May 05, 2011 and no calls were returned as of the time of writing this Complaint.

COUNT 1: UNLAWFUL WITHHOLDING OF FEDERAL BENEFITS

13. Defendants DFS, Onisto and Voigt have been charged with a duty by the State of Wyoming and the United States Government to administer SNAP and other assistance programs to individuals, children and family who qualify for those benefits.

14. Plaintiff Andrews is unemployed, with no other source of income, and is a single father raising a minor child. The Plaintiff therefore qualifies for SNAP assistance, as well as other federal programs administered by Defendant DFS and Defendant Onisto.

15. Defendants DFS, Onisto and Voigt have discriminated against the Plaintiff in denying benefits and services without just cause.

16. Defendants' DFS, Onisto and Voigt have unlawfully violated the Plaintiff's constitutional right to receive the same access to benefits and services afforded to those similarly situated.

17. Defendants' DFS, Onisto and Voigt have clearly misapplied state and federal laws and in doing so, have denied the Plaintiff access to public programs and services.

COUNT 2: WILLFUL AND MALICIOUS CONDUCT

18. Defendant DFS and its employees, agents and departments have been neglectful in handling this matter.

19. Plaintiff Andrews has been damaged by Defendants' conduct in that the Plaintiff and his minor child have no money for food and are unable to gain assistance that should have been afforded to him (Plaintiff) and his (Plaintiff) daughter.

20. Defendants' Onisto and Voigt have been malicious and hostile during this entire process and have failed to take corrective action regarding the denial of benefits.

21. Defendants' DFS have been negligent in that their representative, Christi Langley, has refused and or failed to return calls concerning a complaint against staff members who are employed and under the control of Defendant DFS.

WHEREFORE, the Plaintiffs' pray as follows:

1. For judgment in favor of the Plaintiff in the amount of \$500,000.00 to compensate him for his personal injuries, and such other compensatory damages which the Court or a jury may properly award in accordance with the evidence at the trial of this matter;

2. For punitive damages against the Defendants in an amount sufficient to punish them for his malicious, willful and wanton conduct, to publicly condemn his actions and to serve as a

warning and deterrent to others similarly situated, which such amount shall not be less than \$10,000.00; and

4. For Plaintiff's costs in bringing this action, including but not limited to, his reasonable attorney's fees, process of service fees, filing fees and such other and further relief as the Court may deem appropriate under the circumstances.

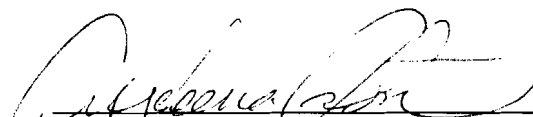
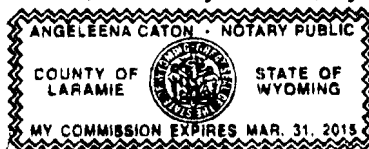
DATED this 5 day of May, 2011.



Nathan N. Andrews, Plaintiff *pro se*
4607 Carmel Drive
Cheyenne, WY 82009
Voice (307) 509-0016

STATE OF WYOMING)
) ss.
COUNTY OF LARAMIE)

Subscribed and sworn to before me, a Notary Public, by NATHAN N. ANDREWS, on this 25th day of May, 2011.


Notary Public

My Commission Expires: March 31, 2015

Andrews v. Onisto, et al.
Civil Complaint